



Appeal Decisions

Site visit made on 14 April 2026

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Appeal A Ref: APP/B3438/C/25/3374834

Appeal B Ref: APP/B3438/C/25/3374835

The Land at Little Blakeley Lane Farm, Blakeley Lane, Dilhorne, Stoke on Trent ST10 2PT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Christopher Whilock on behalf of Oakleys Farm Ltd and Mr Oakley Whilock against an enforcement notice issued by Staffordshire Moorlands District Council.
- The notice was issued on 30 September 2025.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land, shown in the approximate area edged blue on the attached map numbered EN01A, from an agricultural use to a mixed use consisting of:
 - the storage and sale of builders materials, garden and landscaping materials/supplies, secondhand plant and machinery, firewood and food products;
 - the storage and hire of groundworks vehicles, equipment, machinery and plant; and
 - the ancillary parking of vehicles ("the Change of Use").
- The requirements of the notice are to:
 - For the purposes of remedying the breach by returning the Land to its condition before the breach took place:
 - Cease using the Land for the storage and sale of builders materials, garden and landscaping materials/supplies, secondhand plant and machinery, firewood and food products; the storage and hire of groundworks vehicles, equipment, machinery and plant; the holding of public events; and the ancillary parking of vehicles.
 - Remove from the Land:
 - (i) all builders materials and garden and landscaping materials/supplies being stored for sale, including but not restricted to, top soil, stone, hardcore, compost, wood bark, wood chippings, sand, sharp sand, sand and gravel, decorative stone, drainage stone, cement, aggregates, railway ballast, tarmac chippings, lime dust, Staffordshire pink gravel, golden gravel, plum slate, timber, timber posts, wooden barrels, railway sleepers, metal cages and fencing.
 - (ii) all secondhand plant and machinery being stored for sale including but not restricted to, dumpers, bale trailers, flatbed trailers, tipping bale trailers, cattle trailers and forklift trucks.
 - (iii) all firewood supplies being stored for sale, including but not restricted to, kiln dried logs, kindling, smokeless coal and firelighters and all associated vehicles and equipment.
 - (iv) all food products being stored for sale, including but not limited to meats, dairy, jams, chutneys and oils and for the avoidance of doubt does not include any food products being stored solely for use by the occupiers of the Land.
 - (v) all groundworks and plant hire vehicles, machinery, equipment and plant, being stored for the purposes of offering them for hire including but not restricted to, trucks, diggers, dumpers, tractors, trailers and skips.
 - (vi) all vehicles parked on the Land in connection with the Change of Use.
 - (vii) all equipment brought onto the Land in connection with the Change of Use.
 - (viii) any material generated by compliance with requirements 5.2 (iv)–(vii) above.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the ground set out in section 174(2)(a), (b), (c), (e) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed, the enforcement notice is upheld with corrections, in the terms set out below in the Formal Decision, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal C Ref: APP/B3438/C/25/3375060

The Land at Little Blakeley Lane Farm, Blakeley Lane, Dilhorne, Stoke on Trent ST10 2PT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Oakleys Farm Ltd against an enforcement notice issued by Staffordshire Moorlands District Council.
- The notice was issued on 30 September 2025.
- The breach of planning control as alleged in the notice is without planning permission:
 - The construction of a large steel framed, concrete boarded, timber cladded building erected on a concrete base shown for the purposes of identification outlined in green on the attached aerial photograph marked EN01B and in the attached photographs marked EN02B (“the Green Building”).
 - The erection of a prefabricated shop/office building with ramp and rail access shown for the purposes of identification outlined in purple on the attached aerial photograph marked EN01B and in the attached photographs marked EN03B (“the Purple Building”).
 - The construction of a lean-to steel cladded building with mono-pitched roof erected on a concrete base shown for the purposes of identification outlined in blue on the attached aerial photograph marked EN01B and in the attached photographs marked EN04B (“the Blue Building”).
 - The construction of concrete storage bays on a concrete base and enclosed with a concrete and rail fence which for the purposes of identification are outlined orange on the attached aerial photograph labelled EN01B (“the Storage Bays”).
 - The laying of hardstanding which for the purposes of identification is outlined pink on the attached aerial photograph labelled EN01B (“the Hardstanding”).
 - The erection of grassed soil bunds which for the purposes of identification are outlined yellow on the attached aerial photograph labelled EN01B (“the Bunds”).
- The requirements of the notice are:
 - For the purposes of remedying the breach by returning the Land to its condition before the breach took place:
 - Remove from the Land:
 - the Green Building, along with its concrete base and substructure.
 - the Purple Building along with the ramp and rail access.
 - the Blue Building along with its concrete base and substructure.
 - the Storage Bays along with the concrete base and concrete fence enclosure.
 - all of the Hardstanding.
 - the Bunds.
 - Remove from the Land all building materials, soil, and rubble arising from compliance with requirements 5.1.1 to 5.1.6 above.
 - Relevel the ground with clean soil and plant grass seed following compliance with 5.1 and 5.2 above.
- The periods for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (d), (e), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the notice is upheld.

Preliminary matter

1. Appeals A, B and C relate to the same site. Appeals A and B concern the alleged material change of use that has taken place and appeal C relates to the alleged operational development.
2. The required fee for the ground (a) appeal and the deemed planning application has only been made in respect of appeals A and B. Accordingly, my consideration of the ground (a) appeal and the deemed planning application only relates to the alleged material change of use. It does not relate to the alleged operational development.

The Notice – Appeal A and B

3. The material change of use notice (the MCU notice) alleges a material change of use from an agricultural use to a mixed use consisting of the storage and sale of builders materials, garden and landscaping materials/supplies, secondhand plant and machinery, firewood and food products; the storage and hire of groundworks vehicles, equipment, machinery and plant; and the ancillary parking of vehicles.
4. However, photograph A.7.2 (taken 6 August 2025) contained within the Council's Appendix A7 of their statement of case depicts a tractor with a trailer attached that appears to be a silage trailer. The northern side of the large building appears to have a number of metal hurdles stored against it and what appears to be a livestock pen created by concrete panels and hurdles extending off the rear section of the building that contained straw/hay during my site visit. This suggests that at the time the photograph was taken, approximately one month prior to the notice being issued on 30 September 2025, there was some agricultural activity taking place on the appeal site.
5. Comments were sought from the parties on this matter. The appellant confirmed that there was agricultural use of the site at that time. The Council agree to the notice being corrected to include agricultural use as part of the alleged mixed use. Accordingly, I am satisfied that the notice can be corrected as such without any injustice caused to either party. I shall therefore do so.

The ground (e) appeals – Appeals A, B and C

6. The ground (e) appeal is made on the basis that copies of the enforcement notice were not served as required by section 172 of the Town and Country Planning Act 1990 (the Act).
7. The appellants assert that there was insufficient prior engagement from the Council prior to the notices being issued and when they were issued they were served in an unprofessional manner.
8. However, for a ground (e) appeal to succeed, it must be demonstrated that the notice was not served in accordance with the requirements of s172 of the Act. There is no evidence that the notices were not served in accordance with these requirements.
9. Accordingly, the ground (e) appeals fail.

The ground (b) appeals – Appeals A, B and C

10. In appealing on ground (b) the burden of proof is firmly on the appellant to demonstrate that the alleged breach of planning control has not occurred as a matter of fact. S174(2)(b) of the Act is worded in the past tense, and the question is whether the breach had occurred by the date of issue of the enforcement notices. If the alleged activities or structures had been on the site, an appeal on ground (b) cannot succeed simply on the basis that the activities ceased or structures were removed.
11. The MCU notice alleges a mixed use including the storage and hire of groundworks vehicles, equipment, machinery and plant. The appellant confirms that 'any plant hire activity ceased approximately five years ago'. Even so, such activity has taken place on the appeal site.

12. The appellant contends that the Council alleges that the site operates a commercial vehicle storage yard. However, the MCU notice makes no such allegation. The alleged matters refer to the 'storage...of groundworks vehicles'. This would clearly relate to the plant hire activity that the appellant confirms has taken place, albeit no longer does. The 'ancillary parking of vehicles', clearly relates to parking associated with the other components of the mixed use, hence the use of the word *ancillary*.
13. There is no dispute the other components of the mixed use took place prior to the notice being issued. There is also no evidence before me that planning permission was granted for the material change of use as alleged. Therefore, on the balance of probabilities, the alleged material change of use had occurred by the date of issue of the MCU notice.
14. With regard to the operational development notice (the OD notice), there is no dispute that the buildings, structures, hardstanding and bunds alleged as constituting the breach of planning control were constructed prior to the notice being issued. Therefore, on the balance of probabilities, the alleged operational development constituting the breach of planning control had occurred by the date of issue of the OD notice.
15. I find therefore, that the alleged breaches of planning control as set out in the MCU notice and the OD notice had occurred as a matter of fact. Consequently, the ground (b) appeals fail.

The ground (c) appeals – Appeals A, B and C

16. The appeal on ground (c) is whether, on the balance of probabilities, the matters alleged in the notice do not constitute a breach of planning control. The burden of proof is upon the appellant.
17. A prior approval notification was submitted in 2020 for the erection of an agricultural building under Part 6 of the Town and Country Planning (General Permitted Development) Order 2015. The Council admits that there were technical errors that resulted in the application not being uploaded onto the Council's database from the Planning Portal. Nevertheless, the drawings that accompanied the notification showed a smaller building, in height, width and length than that which has been constructed. Moreover, there is no dispute that the siting of the existing building is approximately 10 metres further west than that depicted on the prior notification drawings.
18. Accordingly, even if the building that was the subject of the prior notification application had deemed permission, by way of the Council failing to notify the appellant of their decision within 28 days, due to its size and siting, the building that has been constructed is significantly different and would not benefit from the deemed permission. As no planning permission has been granted for the building constructed, it constitutes a breach of planning control.
19. The appellant contends that the shop/office building is required by DEFRA for keeping records relating to the farm. However, this does not obviate the need for planning permission for the erection of the building.
20. Regarding the farm shop, this forms part of the overall mixed use that is taking place on the appeal site. The mixed use is a single use. Therefore, even if a single component of the mixed use may ordinarily not require planning permission if it was

a single use in and of itself, as it forms part of a mixed use it requires planning permission. As no planning permission has been granted for the mixed use, it constitutes a breach of planning control.

21. The ground (c) appeals therefore fail.

The hidden ground (d) appeal – Appeal C

22. Although not explicitly made, the appellant states in their appeal form that ‘The Notice is invalid as it seeks to take action against a lawful building (Green Building) and structures where the enforcement period has expired (Hardstanding/Storage Bays).’

23. The onus is on the appellant to demonstrate that at the time the notice was issued it was too late to take enforcement action against the alleged breach of planning control. The relevant test of the evidence is ‘on the balance of probability’ (ie that it is more probable than not). If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant’s version of events less than probable, there is no good reason to dismiss the appeal, provided their evidence alone is sufficiently precise and unambiguous.

24. There is no evidence before me as to when the buildings and structures were constructed. Therefore, it has not been demonstrated that they are immune from enforcement action through the passage of time. Accordingly, on the evidence before me, on the balance of probabilities, the buildings and structures are not immune from enforcement action. The ground (d) appeal therefore fails.

The ground (a) appeals and the deemed planning application – Appeals A and B

25. As I have set out above, the ground (a) appeals and the deemed planning application only relate to the MCU notice. Therefore, planning permission is only sought for the material change of use of the land from an agricultural use to a mixed use consisting of the storage and sale of builders materials, garden and landscaping materials/supplies, secondhand plant and machinery, firewood and food products; the storage and hire of groundworks vehicles, equipment, machinery and plant; the ancillary parking of vehicles; and, agriculture (following my correction of the MCU notice).

Main Issues

26. In light of the above, the main issues are:

- Whether the development would be inappropriate development in the Green Belt;
- The effect of the development on the openness of the Green Belt;
- The effect of the development on the character and appearance of the area; and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Inappropriateness

27. The appeal site is located within the Green Belt. Paragraph 154 of the National Planning Policy Framework (the Framework) confirms development in the Green Belt should be regarded as inappropriate unless it complies with one of the exceptions listed. Policy SS10 of the Staffordshire Moorlands Local Plan 2020 (the LP) states that only the exceptions defined in Government policy will be permitted in the Green Belt.
28. There is no argument advanced that the development falls within any of the exceptions listed in paragraph 154 of the Framework or Policy SS10 of the LP. On the evidence before me, I find no reason to conclude that it does. As such, the development would be inappropriate development in the Green Belt, which, by its very definition, is harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with paragraph 153 of the Framework substantial weight must be given to this harm.

Openness

29. Paragraph 142 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.
30. Although there is no operational development to consider as part of the ground (a) appeal, there are physical characteristics of the mixed use that could have an effect on the openness of the Green Belt.
31. The appeal is located on the side of a hill that has a slight gradient rising from east to west. Although partly screened from much of the A52 to the south there are extensive views of the site from Leek Road and the lane to the east linking Leek Road with the A52.
32. Plant and machinery stored on the site and moving within and around the site would likely introduce a commercial character to the site that would be more obtrusive than agricultural machinery that would otherwise be found on the site. This would be exacerbated by the outdoor storage of building materials, landscaping and gardening products.
33. In addition, the commercial activities taking place on the site, notably the shop, would attract customers to the site that would likely arrive by car. The resulting volume of vehicles parked on the site and the general comings and goings would be significantly more than what would be expected of a working farm of this size. Therefore, the cumulative presence of the vehicles, plant equipment and machinery associated with the groundworks use, the outdoor storage of building, landscaping and gardening materials and supplies and the parking of cars by staff and visitors associated with these uses would result in the site having a commercial appearance more akin to a small business park. This would be in stark contrast with its lawful agricultural use. It would therefore represent a significant visual intrusion on the openness of the Green Belt.
34. In terms of the spatial dimension of openness, the erosion of three-dimensional space arising from the activities identified above that would be associated with the mixed use of the site results in an erosion of openness. This is exacerbated by the

fact that much of the mixed use is taking place on land that was previously undeveloped, as seen in the historical aerial photographs dated 23 April 2021.

35. I find that the visual intrusion of the use and its associated activities and the erosion of three-dimensional space arising from its associated activities, would result in the erosion of openness, which would conflict with paragraph 142 of the Framework which identifies openness as an essential characteristic of Green Belts. In addition, it would conflict with the purposes of including land within it, in particular safeguarding the countryside from encroachment, as set out in paragraph 143 of the Framework.

Character and appearance

36. The appeal site is located within the open countryside, characterised by open agricultural fields interspersed with sporadic dwellings, farmsteads and small scale commercial sites.
37. Although the site is partly screened from public views off the adjacent highways, there are numerous vantage points providing clear views over much of the site.
38. The various activities associated with the mixed use would create a predominantly commercial site. Whilst a component of the mixed use is agriculture, the numerous other activities forming the mixed use would see a discernible change in the character of the site from predominantly agriculture to commercial. This would have a significantly harmful effect on the rural character and appearance of the area.
39. I find therefore, the development would significantly harm the character and appearance of the area, contrary to Policies DC1 and DC3 of the LP, which, amongst other matters, seek to ensure development is well designed and reinforces local distinctiveness and protects local landscape.

Other Considerations

40. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from the inappropriate development in the Green Belt, the erosion of openness and the harm to the character and appearance of the area so as to provide the very special circumstances required to justify a grant of planning permission.
41. The appellants contend that the farm shop is essential for the viability of the agricultural activities taking place on the site. During my site visit, there was a variety of goods sold in the shop. However, only a small proportion of this appeared to be produce directly sourced from the farming activities on the site. Whilst I note that this was only a snapshot in time, there is no evidence before me of where the goods sold are sourced from. In any event, the ground (a) appeal relates only to the use of the land and not the operational development.

Planning Balance

42. The development has harmful implications for the Green Belt in terms of inappropriate development, the erosion of its openness and the purposes of including land within it. Whilst the overall loss of openness would be moderate, the

Framework establishes that substantial weight should be given to any harm to the Green Belt.

43. I acknowledge the commercial activities taking place on the site may help support the agricultural activities. However, there is no evidence before me to indicate to what extent they provide support. I have considered the proposition of allowing the ground (a) appeal in respect of individual components of the mixed use, eg, the office and shop, on the basis of them forming part of the matters alleged. However, even if I found that these were acceptable, the appellants would be no better off because the buildings that would contain these activities would have to be removed in any event through the OD notice, against which a ground (a) appeal has not been made and therefore it is not open to me to consider their retention.
44. Accordingly, it has not been sufficiently demonstrated that these circumstances represent the very special circumstances required to clearly outweigh the harm to the Green Belt and the character and appearance of the area. Consequently, the proposal conflicts with the objectives of the Framework to protect the Green Belt and Policy SS10 of the LP.

Conclusion on the ground (a) appeals and the deemed planning application

45. For the reasons given above, having considered the development plan as a whole and all material considerations, I conclude that planning permission should not be granted in response to the ground (a) appeals against the MCU notice and deemed planning application.

The ground (f) appeals – Appeals A, B and C

46. This ground of appeal is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
47. The purposes of an enforcement notice are set out in s173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). The MCU notice requires that the unauthorised use should cease and the items and paraphernalia associated with them to be removed. The OD notice requires the removal of the unauthorised buildings, structures and bunds. I therefore consider that the purpose of the notices is to remedy the breach of planning control rather than remedy the injury to amenity.
48. In respect of Appeals A and B, I have considered whether lesser steps could remedy the breach. However, even if I were to find the mixed use, or some of the components of it, to be acceptable, the buildings within which these activities operate would inevitably have to be removed as part of the OD notice, which would inevitably result in the cessation of those activities in any event.
49. I have considered the agricultural component of the mixed use. As no objection is raised to this activity, the requirements of the notice shall not require the cessation of the agricultural activities. Nevertheless, this does not have any effect on the requirements of the OD notice.

50. In respect of Appeal C, I cannot consider the planning merits of the buildings, structures and bunds when the notice's purpose is to remedy the breach of planning control, rather than the injury to amenity, and there is no appeal on ground (a).
51. I therefore find the steps required by the notices to be taken and the activities required by the notice to cease do not exceed what is necessary to remedy the breach of planning control. The ground (f) appeals fail.

The ground (g) appeals – Appeal A, B and C

52. This ground of appeal is that the period for compliance is unreasonably short.
53. The period for compliance with the requirements of the notices is 6 months. The appellant contends that this is insufficient to rehome 120 animals and the need for 8 full-time staff and 15 seasonal staff to find alternative employment. However, no alternative period of compliance has been suggested.
54. Notwithstanding this, there is no requirement in the notices to cease the agricultural use of the land nor, specifically, remove any animals. At the time of my site visit, there were no animals housed in any of the buildings that are the subject of the notices. Therefore, it is not clear why any time is required to rehome animals.
55. In respect of staff finding alternative employment, 6 months is not considered to be unreasonable notice to give them.
56. On the evidence before me, I am satisfied that a period of 6 months is not unreasonably short to comply with the requirements of the notice. The ground (g) appeals fail.

Formal Decision

Appeals A and B

57. It is directed that the MCU notice is corrected and varied by:
- i. The deletion of the word “and” at the end of paragraph 3.1.2 of the notice.
 - ii. The deletion of the words “(“the Change of Use).” under paragraph 3.1.3 of the notice and their substitution for the word “; and”.
 - iii. Immediately below paragraph 3.1.3 of the notice the insertion of a new paragraph 3.1.4 reading “agricultural use (“the Change of Use”).”
 - iv. Immediately following the word “Cease” in paragraph 5.1 of the notice delete the word “using” and its substitution of the words “the mixed use of the Land by ceasing the use of”.
58. Subject to the corrections the appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal C

59. The appeal is dismissed.

A Walker INSPECTOR